

REMARKSI. Status of the Application

Claims 1-20 are pending in this application. Claims 18-20 are withdrawn from consideration. In the May 6, 2003 Office Action, the Examiner:

1. Rejected claims 1-4, 7, 8, and 12-14 under 35 U.S.C. § 102(a) as allegedly being anticipated by Ri et al., English translation of JP2001139935 A. (Hereinafter the "Ri Reference").
2. Rejected claims 5 and 6 under 35 U.S.C. § 103(a) as allegedly being obvious over the Ri Reference in view of U.S. Patent No. 5,869,392 to Kimura; and
3. Objected to claims 9-11 and 15-17 as being dependent upon a rejected base claim.

Applicant respectfully traverses the rejections of the claims and respectfully request reconsideration of the pending claims in view of the following remarks.

II. The Ri Disclosure is Not Prior Art to Claims 1-8 and 12-14

Applicant submits herewith a Rule 1.131 Declaration of Charles E. May ("131 Declaration") establishing that the invention claimed in claims 1-8 and 12-14 was invented by the applicant prior to the publication date of the Ri Reference. Specifically, the Ri Reference cites a publication date of May 22, 2001. The 131 Declaration establishes invention by the Applicant prior to May 22, 2001. As a consequence, the Ri Reference does not qualify as prior art under 35 U.S.C. §102(a) for claims 1-8 and 12-14.

Because the rejections of claims 1-8 and 12-14 are all based on the incorrect premise that the Ri Reference is prior art, it is respectfully submitted that the prior art rejections of claims 1-8 and 12-14 are in error and should be withdrawn.

III. Claims 9-11 and 15-17 Have Been Deemed Allowable

The Examiner deemed the subject matter of claims 9-11 and 15-17 to be allowable. However, the Examiner objected to those claims as being dependent on a rejected base claims. As discussed above, claims 1 and 12, upon which claims 9-11 and 15-17 depend, are allowable over the prior art. As a consequence, it is respectfully submitted that the objection to claims 9-11 and 15-17 should be withdrawn.

IV. Conclusion

For all of the foregoing reasons, it is respectfully submitted the Applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully Submitted,



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